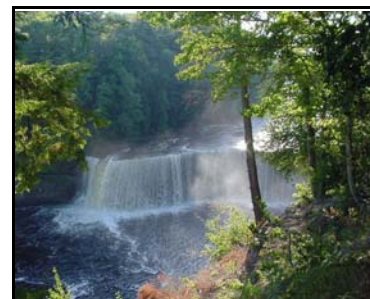
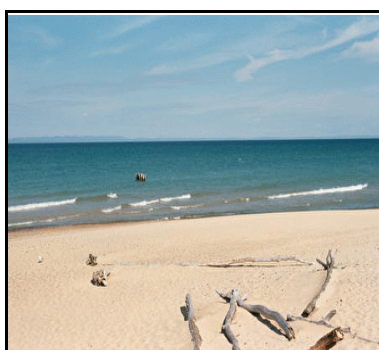


***Final Evaluation Findings for the Michigan Coastal Management Program  
October 1997 through August 2002***

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***Office of Ocean and Coastal Resource Management  
National Ocean Service  
National Oceanic and Atmospheric Administration  
United States Department of Commerce***



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## EXECUTIVE SUMMARY

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### A. Overview

Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of state coastal management program implementation. This review examined how the Michigan Department of Environmental Quality (DEQ) implemented and enforced the Michigan Coastal Management Program (MCMP).

It is the conclusion of the evaluation that the MCMP is meeting its program requirements satisfactorily under §303(2)(A) through (K) of the CZMA, and adhering to the terms of NOAA financial assistance awards. This document contains four recommendations in the form of Program Suggestions that denote actions OCRM believes the State should take to improve the program, but which are not mandatory at this time.

### B. Summary of Accomplishments

Significant accomplishments have been made in the following areas listed below. These are reviewed in detail in Section IV.

**1. Community Support.** The MCMP has continued its support for a range of projects in coastal communities. Results were observed in education projects targeted towards the public and development industry, low-cost construction, and public access. The MCMP lends value to these communities, and facilitates projects from the beginning stages of application through all stages of development. Grantees view the program positively, and the support from MCMP has led to longstanding programs, partnerships, and on-the-ground results.

**2. Staffing.** The evaluation team heard from many program partners who recognized the dedication, knowledge, accessibility, and responsiveness of MCMP staff, the cooperation that they facilitate among coastal communities, local organizations, and the public. During the evaluation period, the MCMP has followed through on the last evaluation findings, and increased its scope by taking on new initiatives while continuing to gain skills and resources.

**3. Monitoring and Enforcement of Core Authorities.** The MCMP developed tools to



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improve enforcement of program statutes. Staff collaborated with district and field offices to identify and implement improvements to the permit tracking system and added education materials and training for enforcement of core laws.

**4. Public Access and Educational Enhancement Projects.** The MCMP continues to be a significant source of support for communities in public access projects which provide visitors with recreation and educational experiences and often lead to increased protection and stewardship activities. MCMP support for education programming increases awareness of coastal resources and enhance the experience of visiting historical and cultural resources.

**5. Michigan Lighthouse Project.** The MCMP played a key role in the coordination of State, Federal, and private organizations that are involved in transferring the remaining 77 lighthouses from Federal ownership to private ownership and management in accordance with preservation guidelines and program statutes.

**6. Michigan Dune Alliance.** The MCMP supported the growth and development of the Michigan Dune Alliance (MDA). The MDA grew from a concept initiated in the DEQ's Office of Great Lakes to preserve Lake Michigan coastal ecosystems through collaboration and private action to include five regional land trusts, four governmental agencies, and two national organizations. The MDA has completed several site conservation plans, obtained significant support through leveraging of MCMP funds, and increased the capacity of local land conservancies in protecting Michigan's sand dunes.

**7. Coastal Farmland Preservation.** The MCMP's role in Peninsula Township's exemplary Purchase of Development Rights program is notable and illustrates MCMP's support to local governments in projects such as this which provide tools for coastal decision-makers.



**Michigan Coastal Management Program CZMA §312 Final Evaluation Findings****C. Summary of Findings and Recommendations**

In addition to recognizing the accomplishments listed above, this evaluation has identified areas where the program may be improved. These are listed in more detail in Section V.

**Finding 1: Financial Assistance Management**

The MCMP has taken steps towards satisfying the recommendation of the last §312 evaluation relating to the program document update (See Appendix E). The draft was received by NOAA and the MCMP is awaiting comment. NOAA would like to see the revised program document incorporate the latest program organization information following the upcoming election. In addition, the MCMP should submit any routine program changes during the last evaluation period and submit future routine program changes in a timely manner. Reporting of statutory programmatic changes should be reported in a consistent manner on performance reports submitted as a requirement of the NOAA grant.

**Program Suggestion 1:**

- **The DEQ should take steps to update the program document, pending finalization of the Department reorganization.**
- **The DEQ should work with OCRM/Coastal Programs Division staff to develop and maintain a submission schedule for routine program changes with CPD to assure that the MCMP is up to date.**
- **The MCMP should work on providing comprehensive program information in its performance reports.**

**Finding 2: Grants Application Management.**

The evaluation team discussed the issues involved with “placeholders” on parts of the MCMP grant application submitted to NOAA. Submission of an incomplete application causes the processing of portions of the grant to be delayed, and thus delaying funding of certain projects. The MCMP is encouraged to address this problem to avoid any possible delays in submitting a complete grant application to NOAA.

**Program Suggestion 2:**

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**The State is encouraged to schedule site visits prior to submission of the grant application. A plan should be developed to guide the submission of the MCMP grant application in entirety and to search for solutions to the problems causing the delay of the complete application.**

**Finding 3: Assignment of Grants and Regulatory Functions within The Land and Water Management Division (LWMD).**

The MCMP has developed a very strong leadership position as a longstanding participant in the national CZM program. They have historically received strong support from the current administration, and many of their programs are the foundation of State environmental policy. They also receive strong support from local governments to which they provide a large percentage of funds for coastal management projects. Their leadership in coastal management, and longstanding reputation of furthering agency programs and missions, depends on maintaining the current relationship to the regulatory functions of LWMD.

In addition, the MCMP staff work closely with grantees on local projects to assure that all State regulatory requirements are met and necessary permits are obtained. Low cost construction projects usually require a State permit under one of the MCMP core authorities, and MCMP staff use the projects to educate local officials about State permits necessary for development in the coastal zone.

**Program Suggestion 3:**

**NOAA recommends that the MCMP remain in the same department with the regulatory functions of the current LWMD.**

**Finding 4: Increase Outreach to Build Local Planning Capacity.**

The MCMP has begun the process of identifying needs of local governments to build local planning capacity. With increased efforts, resources are being identified and developed for GIS, long term data analysis, and capacity building of local governments and other interested groups to meet program objectives. NOAA recognizes the need for continual education and outreach efforts to identify further resources, and develop coordination efforts throughout the State. In addition, an economic analysis of MCMP efforts is recommended.

**Program Suggestion 4:**

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- NOAA supports MCMP's efforts towards a comprehensive outreach program targeting local communities to build capacity for local planning.
- Measurement tools for MCMP's projects and their economic benefits to local communities is supported as a program enhancement. MCMP is encouraged to develop a strategy to plan, design, and effectively use coastal management performance indicators to help meet strategic coastal management goals.





## I. INTRODUCTION

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Section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires NOAA's Office of Ocean and Coastal Resource Management (NOAA/OCRM) to conduct a periodic review of the performance of states and territories with Federally approved coastal management programs. This document sets forth the evaluation findings of the Director of OCRM with respect to how the Michigan Coastal Management Program (MCMP) addressed the coastal management needs identified in §303(2)(A) through (K) of the CZMA, and adhered to the terms and conditions of the NOAA financial assistance awards for the period from October, 1997 through August, 2002. It contains an executive summary, review procedures, a description of the coastal program, major accomplishments during the review period, evaluation findings and recommendations, a conclusion, and appendices.

The recommendations made by this evaluation appear in bold type and follow the section of the findings in which the facts relevant to the recommendation are discussed. The recommendations may be of two types:

**(1) Necessary Actions** address programmatic requirements of the CZMA implementing regulations and of the MCMP approved by NOAA and must be carried out by the date(s) specified; and,

**(2) Program Suggestions** denote actions that OCRM believes would improve the program, but which are not mandatory at this time. If no dates are indicated, the State is expected to have considered these Program Suggestions by the time of the next CZMA §312 evaluation.

NOAA will consider the findings in this evaluation document in making future financial award decisions relative to the MCMP.





## II. REVIEW PROCEDURES

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### A. Overview

The NOAA/OCRM evaluation staff began review of MCMP in June 2002. Staff worked with NOAA/OCRM's Coastal Program Division (CPD) to prepare for and conduct this review. The §312 evaluation process involves four distinct phases:

- A review of relevant program documents, and identification of specific issues of concern.
- A site visit including scheduled interviews with program partners and a public meeting.
- The subsequent development of draft evaluation findings.
- The preparation of the final evaluation findings based, in part, on comments from the State regarding the content and issues specified in the draft document.

### B. Document Review and Issue Development

This evaluation included an analysis of the following documents relevant to the MCMP: the Federally-approved Environmental Impact Statement and program document; NOAA MCMP approval findings; routine program changes (RPCs); programmatic correspondence between MCMP and NOAA/OCRM; the previous CZMA §312 evaluation findings dated April 24, 1998, and other relevant information and documents.

Based on this review, and in conjunction with discussions with CPD staff, the evaluation team identified the following as priority issues:

- The effectiveness of the State in implementing and enforcing the core authorities that form the legal basis of the MCMP.
- The manner in which future changes in State government may affect the MCMP.
- Implementation of Federal consistency authority.



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- Public education and outreach efforts and opportunities for public participation in coastal management decision-making processes.
- Implementation of enforcement and compliance mechanisms.
- Effectiveness of technical assistance, training, and outreach to local governments in order to further the goals of the MCMP.



**Michigan Coastal Management Program CZMA §312 Final Evaluation Findings****C. Site Visit to Michigan**

Notification of the scheduled evaluation was sent to the Michigan Department of Environmental Quality (DEQ) as the lead agency, to the headquarters and regional offices of relevant Federal agencies, and to congressional offices. The August 26, 2002 edition of the DEQ weekly calendar contained a notice of the evaluation. In addition, a notice of NOAA's Intent to Evaluate was published in the Federal Register on July 9, 2002.

A site visit to Michigan was conducted from September 9 through 13, 2002. The NOAA/OCRM evaluation team consisted of Susan Melnyk, Evaluation Team Leader, Office of the Director; Elizabeth Mountz and Kenneth Walker, Coastal Management Specialists, Coastal Programs Division (CPD), and Mike Walker, Staff Officer, Mississippi Coastal Management Program.

During the site visit, the evaluation team met with representatives of State and local governments, Federal agencies, interest groups, and private citizens. **Appendix A** lists persons contacted in connection with the evaluation.

To fulfill the CZMA requirement for public participation, an advertised public meeting was held on Monday, September 9, 2002, at 3:30 p.m., at the Michigan Library and Historical Center, Lake Superior Room, 1st Floor, 717 West Allegan Street, Lansing, Michigan. Members of the general public were given the opportunity to comment on the operation of the MCMP. **Appendix B** lists the public meeting attendees; **Appendix D** documents written comments received in response to the evaluation.



### **III. COASTAL PROGRAM DESCRIPTION**

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The Michigan coastal zone boundary includes all waters and submerged lands of Michigan's Great Lakes up to the borders of Ontario, Canada, and the states of Minnesota, Wisconsin, Illinois, Indiana, and Ohio. The landward coastal boundary of the MCMP extends a minimum of 1,000 feet inland from the Ordinary High Water Mark of the Great Lakes and connecting channels, or further to include coastal lakes, river mouths and bays, floodplains, coastal wetlands, designated sand dune areas, public parks, recreation and natural areas, and urban areas. This boundary includes portions of 41 counties, and approximately 300 shoreline communities (local units of government). Over 38,500 square miles of Great Lakes water surface are located within Michigan's boundary. Michigan has over 3,200 miles of coastline, making it the longest freshwater shoreline in the world, and one of the longest coastlines in the United States. Michigan's coastal zone provides critical habitat for fish, waterfowl and wildlife, and supports several endangered species, including the piping plover. Approximately 30% of Michigan's shoreline is in public ownership by Federal, State, and local agencies. The coastal boundary is also the site of the most intense economic, social, and political pressures within the Great Lakes Basin.

Under Executive Order 1991-32, existing State statutes, including those which made up the basis for the MCMP, were codified in 1994 by the Natural Resources Management and Environmental Code Commission into one statute to create a comprehensive code that integrated existing natural resource management and environmental protection laws into a single statute. The MCMP administers the following coastal related sections of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended:

- Part 323 Shorelands Protection and Management \*
- Part 325 Great Lakes Submerged Lands
- Part 353 Sand Dunes Protection and Management \*
- Part 91 Soil Erosion and Sedimentation Control \*
- Part 301 Inland Lakes and Streams
- Part 303 Wetlands Protection \*<sup>1</sup>

The lead State agency, the DEQ's Land and Water Management Division (LWMD),

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<sup>1</sup>\* These State regulations include provisions which allow local communities to adopt an ordinance to administer State programs. The MCMP has encouraged local assumption by providing model local zoning ordinances, technical assistance, and training on these statutes to interested communities.



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supervises the Great Lakes Shorelands Section (GLSS), which has responsibility for the monitoring and administering of MCMP grant activities and all regulatory and program staff activities. The GLSS is comprised of the Coastal Programs Unit, the Submerged Lands Unit, and Inland Lakes and Wetlands Unit.

Permitting and enforcement of the MCMP is carried out through staff in district field offices who coordinate with the Lansing headquarters staff. Projects of large scale impacts or potential controversy are reviewed by a permit coordinator. The permit coordinator facilitates State agency review, recommendations including the Michigan Environmental Science Board, and conflict resolution. The new office location (February 2002) collocates all DEQ employees, greatly enhancing department-wide coordination and collaboration.

Michigan has established many Federal-State interagency agreements to help meet coastal management goals and ensure adherence to the CZMA. A Memorandum of Agreement (MOA) signed between the Detroit District, U.S. Army Corps of Engineers (USACE) and DEQ, provides for a joint review process on permit applications and for hearings on proposed actions under Section 10 of the Federal Rivers and Harbors Act, Section 404 of the Clean Water Act, and Parts 325, 301, and 303 of NREPA. An MOA among DEQ and the U.S. Environmental Protection Agency (USEPA), Region 5, Department of Natural Resources (DNR), and the USACE governs the State Section 404 (g) program which is enforced in all but traditionally navigable waters that fall under the Rivers and Harbors Act. In addition, USACE and DEQ staff meet regularly to review proposed projects and to discuss changes in rules and regulations. DEQ also has an MOU with USACE on time frames for opening and closing of the locks at Sault Ste. Marie to avoid potential impacts to fish spawning areas and wetlands. DEQ staff also coordinates with the National Park Service on a broad range of resource management issues within the State's three national lakeshores, Sleeping Bear Dunes, Pictured Rocks, and Isle Royale.

Under an initiative sponsored by Region 5 of the Federal Highway Administration, the LWMD coordinates on major highway projects through a concurrent NEPA/404 process. This process provides for the involvement of DEQ in the early stages of road improvement projects to coordinate with the USEPA, USACE and U.S. Fish and Wildlife Service (USFWS), and to work out problems during the preparation and filing of construction permit applications along lakes, streams, and wetlands. The DEQ meets regularly with these Federal partners on major highway projects.

In 1995 the governor issued an Executive Order to transfer all coastal regulatory



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functions except the Natural Rivers Program, Wilderness and Natural Areas, and the Farmland and Open space from the DNR into the newly created DEQ and elevated DEQ to cabinet status. It also abolished the Michigan Environmental Review Board, the A-95 Review Process, and the Governor's Cabinet Committee on Environment and Land Use.

The DEQ director reports directly to the governor and has the authority to resolve conflicts arising from DEQ actions, including permitting decisions. Statewide public meetings are conducted by the director to solicit input from the community, and an Internet site was established to provide necessary data to the public and the regulated community.

Conflicts are resolved through the judicial process Part 17, Michigan Environmental Protection of the NREPA, as amended. This authority provides both a procedural and substantive basis for any party in the State to seek judicial relief in the circuit court having jurisdiction where the alleged violation occurred in order to preserve, protect, and enhance the natural resources of the State. The State's Administrative Procedures Act (PA 306), in addition to providing for full public notice on major agency actions such as rule making and for public hearings, establishes that any party aggrieved by a decision or order in a contested case may seek a judicial review of the final agency decision in the circuit courts of Michigan.

Through their grant, MCMP has made a strong commitment to local governments, other State agencies, and nonprofit organizations to support a variety of coastal management projects. Through technical and financial assistance, program staff coordinate on the local level, through public involvement sessions and participating regional agencies, to increase protection and management of essential coastal resources. These projects include planning and design projects, feasibility studies, economic development planning, urban waterfront and commercial port redevelopment, historic preservation and restoration, and low-cost construction projects which create or enhance public access to the shoreline. In addition to improving shoreline access, construction of boardwalks, stairways, trails, ramps, also provide protection to sensitive areas such as sand dunes and wetlands.



## IV. PROGRAM ACCOMPLISHMENTS

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### A. Community Support.

The MCMP has established successful and long term relationships among coastal communities and its partners. Large and small municipalities, rural and urban areas, and non-profit organizations benefit from the Program's extensive knowledge of coastal projects. The projects that the team visited during the site visit highlight the impact of the MCMP's community-based approach to coastal management. The MCMP supports the development of local planning tools required for natural resource protection and implementation of coastal program authorities. Longstanding relationships which have developed during the history of the MCMP were observed by the team, as well as new grantees who, in contrast, are in the initial stages of capacity building to leverage and form cooperative relationships.

The MCMP has a NOAA Coastal Management Fellow on staff who works with the Planning and Zoning Center, Inc. to provide technical assistance to communities. The fellow is writing Environmental Protection for Coastal Communities: A Guide for Local Governments. The three-part guide will be used to educate local governments on the role of Federal, State, and local government in resource protection. The guide clarifies State statutes related to environmental protection and natural resource management as well as local regulatory options and planning techniques that support implementation of conservation ideals. The guide will be distributed statewide in 2003 through a series of 4-5 workshops to be held regionally. In addition, MCMP has partnered with Michigan State University (MSU) to introduce the geographic information system (GIS) technique as a tool for natural resource-based planning. GIS tutorials will be provided during the workshops.

MSU's Michigan Natural Features Inventory (MNFI), supported by the MCMP's §309 assessment, is aimed at the ongoing refinement of data and identification of areas rich in biodiversity. These data are used by many MCMP partners as tools in multi-disciplinary investigations and studies of lake ecosystem management. The biological database was developed for the purpose of long-term data and trend analysis and is being used by land managers, scientists, and local governments. Studies of natural pristine areas serve as a representative of each type of shoreline in the State and are used in the process of land acquisition and conservation planning as well as §6217 watershed management projects.

Communities use the support from the MCMP to develop educational efforts aimed at





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increasing public awareness of water quality protection and in natural resource protection. The Grand Traverse Regional Land Conservancy (GTRLC) in partnership with The Nature Conservancy (TNC), uses the MNFI as a tool in its land acquisition program. Biological data on natural, pristine, and biologically diverse areas are used to determine water quality and runoff trends associated with changes in land use in the development of conservation focus plans. These data are also used to provide information to the public while developing management plans for natural preserves.

Another example of data development used at the local level is a project which involves water quality gauges. The MCMP provided support to the Watershed Center, Grand Traverse Bay, a partnership of environmental groups conducting studies in conjunction with protection plans for water resources in the Boardman River and Grand Traverse Bay.

One of the MCMP's longstanding program partners, The Tip of the Mitt Watershed Council (TOM), used CZM funds for the development of educational materials targeted toward the Northern Michigan development community and local governments. One publication targeted to local officials describes first the concept and then the process of conservation planning. A second brochure targets the development community and outlines conservation design concepts and includes discussion of development regulations. TOM has a Wetlands Planning and Design Program, which includes wetlands education and training. During the evaluation period, they used MCMP funds to produce A Landscape of Homes and Wetlands, another publication aimed at realtors and home builders.

The Detroit River Greenways (Southeast Michigan Greenways) Initiative and the Northwest Regional Greenways Initiative both grew out of the efforts of local grass roots greenways projects and were supported by the MCMP during the evaluation period. Initial planning of the trail systems included the use of GIS, which was a part of the MCMP's investment in local planning capabilities. GIS tools were used in the initial planning of the greenways, including maps to determine property ownership, categorize habitats, and to identify potential ecological corridors and recreational trails. The team learned about additional projects, which include restoration and revitalization of rivers and waterfronts, and the further expansion of trail systems throughout the coastal zone.

The MCMP's support of the development of GIS activities at the regional and local level through §309 funding extends to the Upper Peninsula County of Luce. The county leveraged CZM funds with local funds to acquire the training and equipment needed to address local planning needs using integrated geospatial information. Luce County officials also worked with State planning resources to evaluate the effectiveness of current wetlands ordinances. This analysis led to the adoption of conservation planning ideals into the County's master plan,



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preserving natural resources for public use, while allowing for compatible use development.

**B. Staffing.**

The primary responsibilities of MCMP implementation keep staff in Lansing, but their work with State and local organizations has a direct benefit to a significant portion of the public and citizens of the more than 300 coastal communities. The benefits of the MCMP are apparent in the development of locally driven and designed solutions for environmental stewardship, historical and cultural preservation, and economic impacts from tourism.

The MCMP staff are responsive to program partners. They work with grantees in the initial stages of project planning, and are often a crucial source of support in the form of information as well as funding. In many projects, their participation has been instrumental in the project's success. MCMP staff are enthusiastic about their work and have produced several briefings on the funding process which are presented throughout the State. Assistance is provided in completing the grant application, which increases the efficiency of the process and satisfaction of the applicant with the process. During the last evaluation period, the MCMP significantly increased the number of both field and permit staff and implemented improvements to its education and training program.

The MCMP has demonstrated success in interactions among staff, other State and Federal agencies, and program partners. Since the last evaluation, MCMP management continues to retain key staff, attract qualified new staff, pursue long term relationships, and develop highly relevant skills. Throughout the site visit, the team visited coastal communities and heard from MCMP partners that initial planning work is often hampered with the difficulty of financial planning. Assistance provided by the MCMP, especially in the initial stages of the grant, facilitates the process. For example, the staff provides extensive knowledge of coastal projects to the applicant and guides them through the regulatory requirements of low-cost construction projects. The MCMP was instrumental in providing leadership and in coordinating groups throughout coastal communities.

The quality and performance of MCMP staff contributes to the continued success and support of the MCMP while faced with additional responsibilities. Additional projects funded through the Great Lakes Coastal Restoration Program added to the MCMP staff workload. The MCMP also worked to meet CZMA requirements in submitting a revised program document detailing the changes that occurred as a result of the Governor's 1995 Executive Order, required public participation procedures, and the Federal consistency review procedures as a routine program change.



**Michigan Coastal Management Program CZMA §312 Final Evaluation Findings****C. Monitoring and Enforcement of Program Core Authorities.**

Since the last evaluation, the MCMP has made a significant improvement in the program area of monitoring and enforcement. Permit applications are handled by the Permit Consolidation Unit (PCU) in Lansing. Permit applications can be downloaded from the DEQ Web site. Once a permit application is received, it is entered into the permit tracking system within 7 days. Upon receipt of all necessary information and fees, the application is forwarded to the appropriate district office for site inspection and final processing. The system is on-line and available to the public to search for information on their permit file by file number or by field, and is compatible with Internet Explorer version 4.0 or greater. A joint permit application is used for coordination with State and Federal partners which also simplifies the process and increases efficiency in administration.

The LWMD developed a statewide permit tracking system, Coastal and Inland Waters Permit Information System (CIWPIS), to provide for systematic tracking of actions taken on permits and complaints of permit violations reported to field staff. The new system ensures that appropriate actions are taken to successfully resolve complaints and follow through on permit actions. CIWPIS is connected to the State and DNR GIS server and provides Internet access through its Web site to statewide data, photos, topographic maps, and printable maps. The system is used by all permitting and enforcement personnel as well as by management and key staff who run quarterly status reports for upper management.

The LWMD completed a new Compliance and Enforcement Manual and held training for district enforcement staff in April, 2002. Additional training sessions were conducted in Lansing and the field offices. Electronic copies were also distributed to all users and installed as a desktop icon for easy accessibility and reference. District staff is also active in local communities as they process walk-in permit applications and conduct pre-application meetings and presentations on topics which have been developed as part of college-level environmental science curricula, for school and community groups, and local coastal decision-makers.

**D. Public Access and Educational Enhancement Projects.**

The MCMP continues to support important public access projects and educational displays which add significant value to many projects and play a key role in the enhancement of local economies. MCMP funds lend relevance to projects that manage and protect historical and cultural resources and increase awareness and enhance the economic impacts through tourism.

Projects in the village of Elberta provide to the community an impetus for growth and rebirth of commerce. The village of Elberta, on the western edge of Betsie Bay, turned a



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brownfields site, the former Ann Arbor marine terminal grounds shut down and abandoned in 1988, into a recreation area. This project was the result of collaboration between two historically disparate communities and highlights Elberta's rich heritage as the former home of the marine terminal which used the channel from Lake Michigan to Betsie Bay's harbor. Design and planning projects include public access and recreational areas where summer festivals, fund-raising, and educational programming on the historical car ferry, the SS Milwaukee, draw visitors and local citizens. The adjacent city of Frankfort used CZM funds for the planning and design of a beach-to-beach trail on an abandoned rail corridor, linking the two communities of Frankfort and Elberta with the Lake Michigan shoreline, as well as to a connecting 22-mile path with the town of Thompsonville, Michigan. The trailway is designed to run through retail districts as well as recreation areas, and was developed with a theme, "Along the Trail," aimed at enhancing potential recreational and economic opportunities on the corridor.

Antrim Creek Natural Area encompasses 154 acres on 5,000 feet of undeveloped shoreline on Grand Traverse Bay and contains diverse ecosystems, including forested dunes, open dunes, mature forests, and conifer wetlands. The MCMP funded improvements to the park including a new trail system, a viewing area, and parking lot design. Protection of the beach area was enhanced with the placement of boulders to block all-terrain vehicles from access. An interpretive display and protective markers for endangered species were installed on the property as well, increasing educational opportunities as well as natural resource protection.

The City of Charlevoix, a popular northwest Michigan summer resort town, used MCMP grants in design and construction projects to enhance its natural resource attractions. At the city beach park, improvements to a retaining wall provide aesthetic as well as functional improvements to stabilizing drifting sand. Public access was improved by the design and construction of accessways along the river, pier, the beach park on the waterfront downtown, and at a marine transportation site.

The majority of Ludington State Park is located on a narrow strip of unstable sand between Hamlin Lake and Lake Michigan and is designated as a critical dune area. With over 800,000 visitors annually, it is the most heavily visited park in the State park system. CZM funds were used by the Park to complete an erosion control project and to improve hiking and fishing access to Hamlin Lake Dam, which is a popular destination for park visitors. A barrier free path was designed to connect the dam to the existing parking area and provide shoreline stabilization for support of construction of accessible boardwalks and two shorefishing platforms.

The Great Lakes Shipwreck Museum received CZM funds for its ongoing education program at Whitefish Point. At the site of the Whitefish Point Lighthouse along the Lake Superior shore north of the town of Paradise, a collection of historical items from the



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descendants of the last lightkeeper are displayed in a recreation of what life was like during the operation of the US Lightkeeping Service. Oral histories were documented and interpreted to create lifelike reproductions of family life intertwined with a life long duty to the Service. A diving operation is housed on the complex which contains accommodations for visiting researchers as well.

On historic Mackinac Island, the State's first and the country's second state park, the team met with the Mackinac Island State Park Commission, a longstanding MCMP partner. The majority of the Island is in public ownership. However, the remaining undeveloped private land faces increasing development pressures. These pressures are counter-balanced by a growing sentiment for protection of the Island's natural features and historic character. During the evaluation period, the Park Commission received support for preservation of the Island as well as for stewardship of its living history parks and museums. A project at the Indian Dormitory, an interpretive sight for tourists at Fort Mackinac, provided barrier-free access and connects the park street sidewalk into the adjacent Marquette Park. The highest point of the Island is also the site of historic Fort Holmes. At this site, 320 feet above lake level, erosion control measures were implemented to protect the bluffs with fences as well as to divert water flow more efficiently.

**E. Michigan Lighthouse Project (MLP).**

The MCMP played a key role in resolving multi-governmental jurisdictional and natural and historical resource issues in the Michigan Lighthouse Project (MLP). Program partners include the Coast Guard, owner of 77 of the lighthouses which are scheduled for disposal during the next decade through the General Services Administration, and the Bureau of Land Management (BLM). The MCMP provided staff support for the MLP and also resources for many of the owners who required significant assistance in restoration and preservation efforts, and in the development of new uses for the lighthouses. This project is considered by the US Coast Guard to be a model of Federal, State, and local cooperation.

The National Historic Lighthouse Preservation Act (NHLPA), passed by Congress in 2000, amended the National Historic Preservation Act for the purpose of establishing a national historic lighthouse preservation program for these structures rendered obsolete due to advances in navigational aids. The Act also authorized the disposal of historic lighthouses and stations, and established an expedited process for the transfer of ownership to non-profit organizations and qualified individuals.

Michigan has 123 lighthouses, more than any other state. As a part of the State's maritime history, the structures, many of which are located on fragile coastal habitats, are held in



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intense interest by the public because of their historical significance. The MLP began the process of coordinating the various agencies with purview over these issues to transfer the lighthouses out of Federal ownership, as well as identifying and supporting potential stewards with sources of technical and financial assistance.

Once out of Federal ownership, uses are subject to MCMP authority under Part 325, Great Lakes Submerged Lands, of the NREPA. Owners of the lighthouses are required to obtain a conveyance for use of State-owned bottomlands and uses must be consistent with the public trust that allows for access, protects the environment and endangered species, and preserves the structure's historic integrity. Some structures, particularly those located on State-owned bottomlands, in difficult to reach areas, or those with no interested community or group to take care of them, are of particular concern. Ownership often involves significant risks in maintenance and operation of offshore lights.

During the site visit, the team heard from two lighthouse owners who worked with the MCMP to develop their programs. The evaluation team visited Big Sable Light at Ludington State Park. During our visit, we observed an example of a nonprofit effort to provide access to the historic site for over 20,000 visitors annually and educational programs for visitors and volunteers. The MCMP provided a grant for the production of an award-winning video which is played for visitors on the historical significance of the lighthouse and the illustrates the story of restoring the structure for its present day use. Located on a unique freshwater dune system in the State park, the structure and adjoining keepers quarters have undergone significant restoration since 1986 to meet State and Federal requirements of public use and historical integrity. The Big Sable Lighthouse Keepers Association began their effort to save the lighthouse in 1987 from disrepair, the effects of erosion on the structure, and vandalism. The Association now manages and trains a corps of volunteers that are chosen from a nationwide pool of applicants. These volunteers staff the education and operational program in exchange for the experience of living and working in the historical keepers quarters.

At Whitefish Point, thousands of people annually visit the Whitefish Point Lighthouse, the oldest active light on Lake Superior. Here, the public can get a sense of the lightkeeper's life and view artifacts salvaged from ships, lighthouses, and stations that were an integral part of the Great Lakes maritime industry at the Great Lakes Shipwreck Museum. Interpretive displays were constructed according to oral and written accounts collected by the Great Lakes Historical Society on conditions of life in the keepers quarters during the operation of the US Lightkeeping Service.

**F. Michigan Dune Alliance.**



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Approximately one fourth of the dunes in the State are protected under the designation of critical dunes areas. The effects of development are minimized by the Sand Dunes Protection and Management Act, which regulates earthmoving, vegetation removal, and construction activities in designated dunes areas. The LWMD, in order to increase sand dune protection, and in response to the concern over increasing development pressures along the Lake Michigan shoreline, degradation of water quality, and loss of large tracts of dunes to sand mining, was instrumental in the creation and through the MCMP, the support of the Michigan Dune Alliance (MDA).

The MDA comprises five land trusts, The Nature Conservancy (TNC), and State and Federal land management agencies. The Conservation Fund serves as the fiscal agent and coordinator for the group of land trust partnerships, including the Grand Traverse Regional Land Conservancy, the Land Conservancy of West Michigan, Leelanau Conservancy, Little Traverse Conservancy, Southwest Michigan Conservancy, and TNC.

An MCMP grant was used to complete site conservation packages for 14 sites identified as high-quality aquatic, riverine, and dune systems on the Lake Michigan shoreline. The site conservation packages provide basic biological information about the site, the ecological requirements of the plants, animals, and ecosystems, as well as a list of threats to the system. Field surveys were conducted with the support of the USEPA, using MNFI data and the latest aerial photography. The project then used these data in the evaluation of species and community location records to determine site quality rankings.

The MDA has gotten off to a very successful start towards reaching its goals. Its accomplishments include the development of a three-year work plan detailing regional conservation site plans, hiring additional staff, and an increase in funding, and community education which will enable the MDA to implement the site plans. Coordination activities include three annual meetings during which educational topics such as the ecology, classification, and threat management of aquatic systems, stewardship, and funding are presented.

Additional funding from the Mott Foundation was used by The Conservation Fund to form the Great Lakes Revolving Fund. This additional funding will be used for acquisition funds by the group of land trusts and government agencies who will leverage their resources for further collaboration in mitigating the threats to the sand dunes along Lake Michigan's eastern shore.

**G. Coastal Farmland Preservation.**



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Coastal farmland contributes significantly to Michigan's economy. The current high rate of loss of farmland due to conversion to other uses results in an annual loss of about \$100 million in potential farm revenue. Once converted, land is rarely put back into production. Farmland and open space that has been replaced with commercial or residential use increases the cost to taxpayers for new sewer and water systems as well as other essential infrastructure.

The rural environment provides green space, water and wildlife protection, fresh food, and local commerce. It is a quality of life that keeps and attracts residents. Michigan's western coastline contains one of the most productive fruit growing regions in the world due to its fertile soil and moderate climate. Large tracts of farmland in the Saginaw Bay area are used for soybean, wheat, and sugar beet production. These production lands are at a high risk for development as consumer demand for housing increases along the coast.

The Peninsula Township Purchase of Development Rights program (PDR) in Grand Traverse County was the first PDR program for farmland and open space preservation in the Midwest and the first one in the country to be administered by a township. This was one of the MCMP's most successful programs and among its first \$309 grants used to address emerging or problematic coastal development issues. The Peninsula Township PDR serves as a state-wide and nation-wide example of farmland preservation as a local development priority when citizens and local governments realize the economic and land protection potential.

Peninsula Township is located on a narrow peninsula that juts into Grand Traverse Bay of Lake Michigan. It is an area known for its cherries and other fruit crops. The region contains historical cherry-growing land due to its unique micro-climate, which is ideal for growing stone fruits, and produces half the State's tart cherry crop and 80% of its sweet cherries. It also draws tourism with its annual National Cherry Festival, which attracts more than 100,000 tourists each year. This area is also ideal for resort and residential development and is facing increasing pressure from this industry as well. Local interest in farm preservation grew in response to development pressure on a foreclosed cherry farm, which has historical value.

The MCMP provided grants to the Township for planning, mapping, and public outreach. They produced a demonstration project to highlight the economic potential of farmland and open space protection to local officials. The project generated momentum among its audience, and along with an intense public education program, led to the passing of a local referendum in which local taxpayers agreed to a small tax increase over 15 years to fund the PDR program.

The Township has preserved almost 4,000 acres of farmland through a combination of Federal, State, private, and township funds. The success of the Peninsula Township PDR has increased interest throughout the mitt region of Michigan and the State as a way to provide an



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increase in choice for farmers, landowners, and local governments, while decreasing their risk.

In 2000, the State authorized local PDR programs as well as an Agricultural Preservation Fund to provide grant assistance for the PDR as conservation easements and established a state-wide PDR program as environmental policy.



## V. REVIEW FINDINGS AND RECOMMENDATIONS

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### **Finding 1: Financial Assistance Management.**

The MCMP submitted their draft program document to OCRM in response to the last §312 evaluation findings and is working with OCRM on its finalization. The revision of sections of the document was suspended pending the Department reorganization. The MCMP is encouraged to continue with revision of these sections of program document and submit the final document.

During the evaluation, amendments to Parts 91, 326, and Part 303 of the NREPA, 1994 PA 451 were identified. Changes to the MCMP statutes need to be incorporated into the MCMP on a continual basis to ensure that the CMP is up to date, as well as to avoid processing delays. Complete requirements for RPC requests, found at 15 C.F.R. § 923.84, will ensure further avoidance of delays. DEQ should develop expedited procedures and an action plan for submitting program changes to the MCMP.

Progress on MCMP efforts should be reported in semi-annual performance reports as a standard reporting requirement. From a practical standpoint, OCRM staff cannot track the program's overall progress in meeting long-term coastal management objectives without access to this program information.

### **Program Suggestion 1:**

- **The DEQ should take steps to update the program document, pending finalization of the Department reorganization.**
- **The DEQ should work with OCRM/Coastal Programs Division staff to develop and maintain a submission schedule for routine program changes with CPD to assure that the MCMP is up to date.**
- **The MCMP should work on providing comprehensive program information in its performance reports.**

### **Finding 2: Grants Application Management.**



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The team discussed the issues related to the processing of the MCMP grant by NOAA. During the evaluation period, local grants distribution to communities was delayed due to the incomplete submission of grant applications. Holds were placed on these grants awaiting site visits to §306A-funded project sites. In many cases, the placeholders are not removed until the next quarter of the fiscal year in which the MCMP grant is submitted to NOAA.

The evaluation team heard that these placeholders are due to uncertainties related to the site visit schedule in certain areas of the State. Upon removal of the placeholders, the grant approval process continues, but is subject to a completely new processing schedule. When an application is received in its entirety, it is processed according to a set schedule, but the re-scheduling process of the MCMP grant continues to cause delays for NOAA.

With considerable effort, NOAA Coastal Management Specialists follow through and track the delayed applications once placeholders are removed. However, the result depends on the current processing schedule relative to the NOAA Grants Office, and often delays cannot be prevented. This unusual situation requires considerable attention on the part of OCRM. However, tracking the progress of processing of the placeholders does not ensure its speedy completion.

**Program Suggestion 2:**

**The State is encouraged to schedule site visits prior to submission of the grant application. A plan should be developed to guide the submission of the MCMP grant application in entirety and to search for solutions to the problems causing the delay of the complete application.**

**Finding 3: Assignment of Grants and Regulatory Functions within LWMD.**

The DEQ was created as a result of reorganization of the Department of Natural Resources during the last gubernatorial term. The 1995 executive order transferred the regulatory portions of the LWMD, including the MCMP, to the newly formed DEQ. A memorandum of understanding detailing the current structure was developed.

The MCMP is facing future uncertainty as to whether the incoming administration will consider further changes to the current LWMD, for example, separating the pass through grants from the regulatory programs. From NOAA's standpoint, the program has benefitted from its proximity to the regulatory portions of LWMD and recommends that the MCMP programs and functions remain in a single agency if possible. The assignment of the current operating



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structure has also avoided conflicts of interest between agency programs and missions. Moving the MCMP to another Division would alter the existing operating structure and could jeopardize CZM programs and mission.

Coordination of efforts within LWMD assures regulatory efficiency and effectiveness. Implementation of MCMP statutes require extensive interaction with the regulatory section of the program. MCMP staff work closely with grantees on local projects to assure that all State regulatory requirements or permits necessary are obtained. This is particularly true for §306A (low-cost construction) projects, which usually require state permits under one of the core statutes. The MCMP staff use local projects to educate local officials about the necessary State permits for development in the coastal zone.

During the evaluation period, Part 303 Wetlands Protection rules were amended to create a mitigation banking program which increases flexibility of the permit program and encourages ecologically effective mitigation for the unavoidable loss of wetlands. During the development of this program, the MCMP worked closely with the LWMD wetlands permit program to evaluate mitigation banking options with the assistance of a broad-based technical advisory committee, including representatives from outside interest groups, as well as State agencies. The result was rules that are similar to processes approved at the Federal level.

In addition, MCMP staff worked with regulatory programs to develop a streamlined permit application process, a permit tracking system, and educational and outreach products to increase access to technical assistance and training. The MCMP also conducts outreach programs for the public and the enforcement personnel throughout the State.

**Program Suggestion 3:**

**NOAA recommends that the MCMP remain in the same department with the regulatory functions of the current LWMD.**

**Finding 4: Increase Outreach to Build Local Planning Capacity.**

MCMP is a longstanding participant in the CZM program and has played an integral role



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in assisting coastal communities to develop local land use plans, ordinances, and conservation design. They have supported long term data development, GIS, and outreach materials, which are used locally to target specific audiences.

The Michigan coastal zone is vast and contains disparate communities who are experiencing various rates of development pressures. Some sections of the coastal zone have undergone rapid development and face redevelopment issues, while rural areas are natural and pristine, but face uncertain future development scenarios. Some areas, such as Grand Traverse County in the mitt region, have comprehensive plans, zoning ordinances, detailed GIS inventories, and a high degree of regional coordination. In these communities, localities are promoting conservation design and the preservation of agricultural and rural lands. Many communities do not have master plans or zoning ordinances. There are areas that do not have the tools and need technical assistance to begin the process of navigating State planning ordinances.

The MCMP has proven success in targeting local communities, providing information and support of decision-making. Staff is working with the Planning and Zoning Center, Inc. on a project to increase public participation in community-based land use planning and development issues. The guidebook, mentioned in the accomplishments section, is comprehensive of the issues facing communities new to the planning process. The MCMP program manager also attends regular meetings of the Land Use Funders Group to identify areas where resources can be used in collaboration with local efforts.

The MCMP is encouraged to continue to support the use of this project as outreach to communities and to facilitate collaboration between coastal communities with varying capacities to deal with land use planning issues.

A CZMA reauthorization bill introduced in the U.S. House of Representatives contains language that would require the National Oceanic and Atmospheric Administration to:

- Establish a common set of measurable outcome indicators to evaluate the effectiveness of state CZM programs in achievement of the national policies declared in the CZMA;
- Amend §312 reviews to include an assessment of whether a state has met outcome indicators established by the Secretary of Commerce, and
- Require biennial state of the coast reports.

One of the issues identified by a CZM panel of experts as part of a framework for the development of performance indicators is coastal community development. MCMP provides support to community of a major portion of their CZMA grant, and would benefit from



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documenting the economic benefits of local pass through grants. Measurement of this element of coastal management is a prime candidate for a program tool to manage performance and strategy, and to provide information in support of decision-making.

**Program Suggestion 4:**

- **NOAA supports MCMP's efforts towards a comprehensive outreach program targeting local communities to build capacity for local planning.**
- **Development of a strategy to plan, design, and effectively use coastal management performance indicators to help meet strategic coastal management goals is encouraged as a program enhancement.**





## VI. PROGRAM CHANGES

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One function of the evaluation is to determine whether changes have occurred in the MCMP during the review period and whether those changes have been submitted to OCRM for processing as program amendments or as routine program changes (RPCs). This ensures that changes are consistent with the Federally-approved coastal management programs and facilitates the thorough application of Federal consistency. Federal Regulations, 61 Fed. Reg. 33801-33819, 33815-33816 (to be codified at 15 C.F.R., part 923, subpart H) require evaluation of program changes to see if they result in substantial changes in one or more of the following coastal management program areas: (1) uses subject to the management program; (2) special management areas; (3) boundaries; (4) authorities and organization, and (5) coordination, public involvement, and national interest.<sup>2</sup>

In July of 1996, OCRM issued final program change guidance to coastal states clarifying requirements and submission procedures for changes to Federally-approved coastal management programs. The CZMA requires that state CMPs promptly notify OCRM of any proposed changes to its approved CMP. 16 U.S.C. § 1455 (e) (1). CZMA funds are limited to expenditures on the approved parts of a state's program, as is the requirement of Federal consistency.

During the evaluation period, the MCMP has submitted three RPCs. These are detailed in **Appendix C**. All of these changes were classified as RPCs under NOAA's regulations and all were approved.

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<sup>2</sup> In the revised program change regulations, effective July 28, 1996, OCRM replaced the four criteria by which program change requests are evaluated with a reference to these five program approvability areas addressed in the program development regulations. In addition, the term routine program implementation (RPI) was changed to the more descriptive term of routine program change (RPC). See 61 Fed.Reg. 33801-33819 (1996).



## VII. CONCLUSION

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Based on OCRM's review of the Federally approved Michigan Coastal Management Program, and the criteria at 15 CFR Part 923, Subpart 1, I find that the State of Michigan is adhering to the Federally-approved coastal zone management program. Further advances in coastal management program implementation will occur as the State addresses the program suggestions contained herein.

These evaluation findings contain four Recommendations, all of which are Program Suggestions and are not mandatory at this time, but should be considered by DEQ prior to the next §312 evaluation of the MCMP. Program suggestions that OCRM must repeat in subsequent evaluations, however, may be elevated to necessary actions.

This is a programmatic evaluation of the MCMP that may have implications regarding the State's financial assistance award(s). However, it does not make any judgments on, or replace any financial audit(s) related to, the allowability or allocability of any costs incurred.

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Date

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Douglas L. Brown, Acting Director  
Office of Ocean and Coastal Resource Management



**Appendix A**

**PERSONS CONTACTED DURING THE EVALUATION**

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**Local/Regional Government Entities**

Mary Pitcher, County Commissioner, Benzie County  
Sharon Bauer, Village of Elberta  
Mac McClelland, Deputy Administrator, Grand Traverse County  
Pete Garwood, Antrim County Administrator  
Gerry Harsch, Charlevoix City Administrator  
Lisa DenBoer, Director, Luce County Planning & Development

**State Agencies**

DEQ

Mary Ellen Cromwell  
Martin Jannereth  
Alisa Gonzales-Pennington  
Fred Kapp  
Lynda Sanchez  
Christy Fox  
Maureen Houghton  
David Kenega  
Kate Ardizzone, NOAA Coastal Management Fellow

Dave Armour, Mackinac Island Park Commission

**Federal Agencies**

U.S. Fish and Wildlife Service - East Lansing Ecological Services Field Office  
Craig Czarnecki, Field Supervisor  
Bob Kavetsky

**Interest Groups**

Big Sable Lightkeepers Association

Nancy Gerts  
Bob Sperling

Grand Traverse Regional Land Conservancy



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Glen Chown, Executive Director  
Rick Wilson, Regional Farmland Protection Specialist

**Tip of the Mitt Watershed Council**

Gail Gruenwald, Executive Director  
Scott McEwan, Water Protection Specialist

**Great Lakes Shipwreck Society**

Tom Farnquist, Director  
Sean Ley, Development Officer

**Michigan Natural Features Inventory**

Judy Soule, Director



**Appendix B**

**PUBLIC MEETING ATTENDEES**

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Monday, September 9, 2002

3:30 p.m

Michigan Library and Historical Center

Lake Superior Room, 1st Floor,

717 West Allegan Lansing, Michigan

Ken Vrana

Center for Maritime and Underwater Resource Management (CMURM)

4272 S. Shepardsville Rd.

St. Johns, MI 48879

Gail VanderStoep

Michigan State University

Department of Parks, Recreation, and Tourism Resources

131 Natural Resources Bldg.

East Lansing, MI 48824-1222



## **ROUTINE PROGRAM CHANGES TO THE MCMP**

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### **1. Modifications to the Administrative Rules to Part 91, Soil Erosion and Sedimentation Control, Natural Resources and Environmental Protection Act, 1994, PA 452.**

Filed with the Secretary of State on June 29, 1998, and effective 15 days thereafter, Part 91 rules were amended to provide clarification on various aspects of the Soil Erosion and Sedimentation Control Program. Definitions were added for: 1) lake; 2) stream; and 3) landowner. In addition, requirements for temporary and permanent soil erosion control measures were clarified.

The Soil Erosion and Sedimentation Control regulations are administered by various state, county, and local agencies, with state oversight. The DEQ's LWMD administers the state program, and regularly conducts training sessions for state, county, and local agencies. The LWMD performs audits of self-enforcing agencies, and local and county programs, and makes recommendations for improvement.

### **2. RPC to formally incorporate public participation procedures into the MCMP.**

Approved by the DEQ on December 28, 1995. Sent to CPD on October 2, received by CPD on October 9, 1998, and approved by CPD on October 28, 1998. The public participation procedures provide that a notice of the MCMP review of direct Federal activities under CZMA §307 (c) (1) for consistency with Michigan's Federally approved Coastal Management Program be published in the DEQ calendar.

Upon receipt of a consistency determination from a Federal agency prepared pursuant to 15 CFR 930.9, the MCMP publishes a notice of the proposed activity in the DEQ calendar. This notice would include a summary of the proposed activity, its location, and a statement that the consistency determination and any accompanying information are available for public inspection. This notice also states that public comments may be submitted to the MCMP office within 21 days of the publication date. Information received as a result of the public notice is considered by the MCMP in its review of the Federal activity.

The DEQ calendar is published every two weeks and is available on the Internet. The



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calendar lists permit and other decisions before the director, administrative rules promulgation, notices of public hearings, meetings and notices of environmental conferences, and workshops and training programs. The DEQ calendar is also available on the DEQ Web site, <http://www.deq.state.mi.us>. The DEQ Web site has links to all DEQ programs and information as well as the calendar.

**3. Changes to the NREPA, 1994 PA 451, as amended, that require a graduated fee structure to be charged for processing of permit applications based on the size and complexity of proposed projects. Amendments adopted by the state legislature in 1993 and reauthorized in 1995.**

The affected regulatory authorities:

Part 323, Shorelands Protection and Managment;  
Part 325, Great Lakes Submerged Lands;  
Part 31, Water Resources Protection - Floodplain regulations;  
Part 301, Inland Lakes and Streams;  
and Part 303, Wetlands Protection (adopted under separate legislation in 1998)

Approved by NOAA on February 25, 1999. Legislation required a graduated fee schedule for permit applications submitted under these authorities with a sunset date of October 1, 1995, and later reauthorized to October 1, 1999.





**RESPONSE TO WRITTEN COMMENTS**

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OCRM received written comments from two of the MCMP program partners, the Center for Maritime and Underwater Resource Management (CMURM) and The Conservation Fund.

The CMURM is a longstanding program partner, with experience dating back to 1988, and now functions as a technical consultant and outreach specialist for the Michigan Sea Grant College Program, MSU, and CMURM. CMURM is a non-profit organization which works in the conservation of maritime heritage, as well as sustainable coastal tourism. The CMURM believes the support of the MCMP to State and local organizations to be an important public investment as well as an underestimated benefit. Administration of the MCMP is seen as responsive to communities, sensitive to issues of resource management and development, and effective in monitoring and enforcement of program core authorities.

In addition, the potential administration change of the DEQ is of concern to the CMURM. This action is seen as counter productive to the effectiveness and efficiency of the MCMP.

The Conservation Fund is also an advocate for the MCMP, and as a facilitator for the Michigan Dune Alliance (MDA) worked with the MCMP. The MDA received a CZM grant to develop conservation site packages for 14 sites on the east shore of Lake Michigan. They have found MCMP staff helpful and a big factor in the success of the MDA through their extensive knowledge of coastal projects, the application process, and facilitation of initiatives throughout the Great Lakes funding network.



**Appendix E**

**THE STATE RESPONSE TO THE PREVIOUS FINDINGS**

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**A) Administration and Staffing.**

**1) Program Suggestion:** The MCMP should continue to recruit and hire staff for the vacant positions. The status of staff hires should be documented in performance reports following the receipt of final evaluation findings.

**MCMP response:** The MCMP continues to be fully staffed. An additional staff person was acquired to assist with the Great Lakes Coastal Restoration grants. The LWMD District Offices also were well staffed during the evaluation period.

**B) Education and Program Visibility.**

**2) Program Suggestion:** The MCMP should develop a more comprehensive public education and outreach program which incorporates the capabilities of other cooperating organizations and institutions which can be directed to specifically respond to pressing issues and concerns and raising program visibility given the organizational changes which have occurred in the last few years.

**MCMP response:** The Coastal Management Program made significant progress in expanding education and program visibility efforts in during the evaluation period. These include:

- **Coastal Management Web Site.** Currently linked to the Michigan.gov Web portal launched in 2001. Under subsections Water, Great Lakes, and Coastal Management. The Web site summarizes activities implemented under the MCMP including program information, the grant application, quarterly reports, coastal related publications/newsletter, and a list of recommended grant projects funded for the corresponding year.
- **Fresh Connections Newsletter.** Available in print and on-line. Includes general topics such as program/grant information, coastal news around the State, grant awards, and coastal coordination efforts.
- **Program Brochure.** Being developed to incorporate text and photographs of Michigan's coastal resources and grant projects, general information about the Coastal Zone Management Program, the MCMP, and specific information regarding coastal authorities, coastal boundary, Federal consistency and grants.
- **Program Presentations.** Power Point® slide presentations have been developed and are tailored for staff use on specific topics as well as general Coastal Program Presentations on



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such topics as general program information, grant funding, coastal enforceable policies, and Federal consistency.

- **Program Display.** An interpretive display panel is used to increase visibility and provide program information during conferences and high-attendance events.
- **Project Signs.** Signs for MCMP funded construction projects have been updated to reflect the current DEQ organization and to present a standardized program logo. These signs are displayed at the project site during construction and throughout the life of the project.
- **Coastweeks-Coastal Cleanups.** For over ten years, the MCMP has provided funding to Clean Water Action and the Lake Michigan Federation to organize and conduct the annual Coastal Clean-up. Data are provided to the MCMP on the amount and type of debris collected during the clean-up, and are used to establish the pollution priority agenda for the Ocean Conservancy.
- **Coordination.** The MCMP works closely with the Office of Great Lakes within the Michigan Department of Environmental Quality. Collaborative efforts include providing peer reviews for the Great Lakes Protection Fund Grants and participating in joint initiatives such as the Michigan Dune Alliance and Lake Huron Initiative. A member of the MCMP serves as the Education and Information liaison to the Office of Communications and Education within the DEQ. Responsibilities include participating in monthly education committee meetings and serving as the LWMD liaison, coordination outreach and educational activities on behalf of the LWMD.

**C) Permitting, Monitoring, and Enforcement.**

**3) Necessary Action:** The MCMP must increase efforts to develop a comprehensive monitoring and enforcement program, including developing a tracking system for all complaints. Efforts taken to address this recommendation must be documented in performance reports following receipt of final evaluation findings.

**MCMP Response:** The MCMP has developed a comprehensive monitoring and enforcement program, including development of a tracking system for all complaints. This is described in detail in Section IV.

**D) Financial Assistance Management.**

**4) Necessary Action:** The MCMP must take immediate steps to begin the program document update. The State must submit a draft program document to NOAA/OCRM within one year of the date of the final findings, and provide documentation to extend the existing financial assistance award as necessary to complete this task.



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**MCMP Response:** The MCMP has submitted to NOAA/OCRM a draft program document.

**E) Federal Consistency and Program Changes.**

**5) (A) Necessary Action:** The DEQ/MCMP must complete and submit the draft Federal consistency guidelines to NOAA/CPD by December 1998.

**MCMP Response:** Per discussions with OCRM, submission of the draft Federal Consistency Manual has been deferred until OCRM finalizes the regulations for Federal consistency.

**5)(B) Necessary Action:** DEQ/MCMP must submit the description of its public participation process, consistent with NOAA's Policy Guidance on Public participation (59 Federal Register 30339). This must be submitted with the first performance report following receipt of final findings. DEQ/MCMP must also provide written guidance in the updated program document for public participation in program activities.

**MCMP Response:** The description of the public participation process was sent to OCRM as a Routine Program Change on October 5, 1998. The Federal consistency chapter of the revised program document provides additional guidance and included an updated list of Federal activities, licenses, permits, and financial assistance grants.

**5)(C) Necessary Action:** The State must submit the required documentation to NOAA/OCRM for formal incorporation of their regulatory and programmatic changes into the approved MCMP, including their new organization. A schedule for submitting the outstanding changes, including the new organizational structure, to OCRM must be developed in cooperation with CPD by the first performance report following the receipt of final evaluation findings.

**MCMP Response:** A chart showing the status of RPCs since the last evaluation is in Section V. The RPCs for public participation of Federal consistency reviews, revisions to the Michigan Natural Resources and Environmental Protection Act 1994 PA 451 being, Part 323, Shorelands Protection and Management Administrative Rules; Part 91, Soil Erosion and Sedimentation Control, and the parts of the statutes amended to provide for permit processing fees, were submitted and approved by NOAA.

The MCMP will work with CPD on a schedule for submission of RPCs for changes to the LWMD enforceable policies since the last evaluation.

